

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Petitioner,

vs.

JAMES PAUL MAGANITO, D.O.,

Respondent.

MC 22-1-H-KLD

**ORDER DIRECTING SERVICE  
AND SETTING BRIEFING  
SCHEDULE**

Petitioner, the United States of America on behalf of the United States Department of Veterans Affairs Office of the Inspector General, brings this action pursuant to 5 U.S.C. App 3 § 6(a)(4) and 38 U.S.C. § 312(d)(1)(A) to judicially enforce a subpoena for personal appearance served on Respondent on September 29, 2022. The subpoena demands Respondent's appearance and testimony regarding the patient care he provided at Fort Harrison VA Medical Center. Petitioner states that to date, Respondent has failed to provide the requested testimony despite communications between attorneys for each party.

IT IS ORDERED that Petitioner shall serve a copy of this order, along with all other materials and documents it has submitted to the Court in this matter upon Respondent by January 3, 2023. Respondent shall have until January 17, 2023, 2022 to file an opposition to the Petition. Petitioner shall have until January 31,

2023 to file a reply.

DATED this 13<sup>th</sup> day of December, 2022.



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Kathleen L. DeSoto  
United States Magistrate Judge